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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,501	11/02/2000	Oleg Rashkovskiy	042390.P10142	8091

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EXAMINER
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SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,501

Applicant(s)

RASHKOVSKIY ET AL.

Examiner

Arezoo Sherkat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 56-76, 79-81 and 91-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28, 56-76, 79-81 and 91-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This office action is responsive to Applicant's amendment received on 06/28/2005. Claims 1-28, 56-76, 79-81, and 91-96 are pending.

***Response to Arguments***

Applicant's arguments filed on June 28, 2005, with respect to claims 1-28, 56-76, 79-81, and 91-96 have been fully considered but they are not persuasive.

Examiner responds that the office interprets and examines claims in the light of the specification; however, the examiner refuses to read limitations of the specification into the claim. The broad interpretation of the claim language as currently presented by the Applicant, has been taught by Etzel and Doland as follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 10-26, 56-59, 63-76, 79-81, and 91-96 are rejected under 35 U.S.C. 102(e) as being anticipated by Etzel et al., (U.S. Patent No. 6,577,734 and Etzel hereinafter).

Regarding claims 1, 13-16, 18, and 65-68, Etzel discloses an apparatus comprising:

a key generator for generating a key according to an identifier value of another apparatus (Col. 2, lines 40-67 and Col. 3, lines 4-37); and

a reorderer for reordering blocks of an original content item according to the key (Col. 3, lines 37-67 and Col. 4, lines 1-9).

Regarding claims 56-59, and 2-4, Etzel discloses an apparatus comprising:

a server including, a stored copy of a client identifier (Col. 5, lines 56-67 and Col. 6, lines 1-3);

a key generator for generating a reordering key according to the copy of the client identifier, and means for transmitting a content item to a client in a reordered block format according to the reordering key (Col. 6, lines 3-67 and Col. 7, lines 1-7);  
and

the client including, the client identifier, client storage for storing the reordered block format content item, and means for accessing the content item from the client storage in an original block order (Col. 7, lines 7-67 and Col. 8, lines 1-5).

Regarding claims 5-6, Etzel discloses further comprising:

means for writing the reordered blocks to a removable storage disc (Col. 4, lines 9-34).

Regarding claims 10-11 and 63, Etzel discloses further comprising:

means for keeping a list of identifier values of a plurality of such other apparatuses, wherein, for different identifier values of two such other apparatuses, the key generator generates different keys, and wherein, in response to the different keys, the reorderer imposes different new block orders on the original content item (Col. 4, lines 9-67 and Col. 5, lines 1-34).

Regarding claim 12, Etzel discloses wherein:

the list includes a first identifier value for a first such other apparatus, and a second identifier value for both a second and a third such other apparatus, wherein the second identifier value is different than the first identifier value (Col. 3, lines 49-67 and Col. 4, lines 1-9); and

the reorderer imposes a first new block order on the original content item for distribution to the first such other apparatus, and a second, different new block order on

the original content item for distribution to either the second or the third such other apparatus (Col. 4, lines 9-67 and Col. 5, lines 1-34).

Regarding claim 17, Etzel discloses wherein:

the apparatus is a server, the other apparatus is one of a plurality of clients, and the server further comprises, means for provisioning the clients, including the selection of the identifier values for the clients, and means for maintaining a list of the clients' identifier values (Col. 5, lines 40-67 and Col. 6, lines 1-67 and Col. 7, lines 1-45).

Regarding claims 19-20, and 69-70, discloses further comprising:

a transmitter for communicating over a key channel and a content channel (Col. 6, lines 47-67 and Col. 7, lines 1-61).

Regarding claims 21-26, and 71-76, Etzel discloses wherein the original content item comprises an electronic programming guide (Col. 2, lines 29-40).

Regarding claim 64, Etzel discloses further comprising:

two or more distinct pluralities of such clients, a plurality of such servers, each in communication with a respective distinct plurality of such clients, and each respective server's means for transmitting being configured to reorder blocks of the content item in an order which is reorderable only by the plurality of clients with which that respective server is in communication (Col. 6, lines 47-67 and Col. 7-8, lines 1-67).

Regarding claims 79-81, Etzel discloses a method of transmitting an original content item from a first entity to a second entity which has an identifier value, comprising:

generating a key as a function of the identifier value, reordering blocks of the original content item as a function of the key, to create a reordered content item, delivering the reordered content item to the second entity, creating a block reordering structure within the second entity, and accessing a block of the original content item by retrieving it from the reordered content item according to the block reordering structure (Col. 4, lines 9-67 and Col. 5-7, lines 1-67 and Col. 8, lines 1-5).

Regarding claims 91-96, Etzel discloses a recordable medium having recorded thereon a reordered content item resulting from the process comprising:

generating a key in response to an identifier value of a content retrieval entity, and reordering, as controlled by the key, blocks of an original content item to create the reordered content item (Col. 2, lines 40-67 and Col. 3, lines 1-67 and Col. 4, lines 1-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 27-28, and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etzel et al., (U.S. Patent No. 6,577,734 and Etzel hereinafter), in view of Donald, (U.S. Patent No. 6,415,032).

Teachings of Etzel with respect to claim 1 have been discussed previously.

Regarding claims 7 and 60, Etzel does not expressly disclose wherein each of the reordered blocks comprises a same data content as its corresponding block from the original content item.

However, Donald discloses wherein each of the reordered blocks comprises a same data content as its corresponding block from the original content item (Col. 4, lines 62-67 and Col. 5, lines 1-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the encryption system of Etzel by including wherein each of the reordered blocks comprises a same data content as its corresponding block from the original content item as disclosed by Donald. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Donald to provide for encrypting a message by performing a bit position permutation on one or more message blocks (Donald, Col. 3, lines 20-61).



Regarding claims 8-9 and 61-62, Etzel does not expressly disclose wherein the reordered blocks are of any block sizes.

However, Donald discloses wherein the reordered blocks are of any block sizes (Col. 8, lines 33-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the encryption system of Etzel by including wherein the reordered blocks are of any block sizes as disclosed by Donald. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Donald to provide for encrypting a message by performing a bit position permutation on one or more message blocks (Donald, Col. 3, lines 20-61).

Regarding claim 27, Etzel discloses wherein the apparatus further comprises a storage device, and the reorderer reorders blocks of the original content item and stores them to the storage device (Col. 4, lines 9-20).

Etzel does not expressly disclose wherein the reorderer reorders blocks of the original content item and stores them to the storage device according to a logical addressing system of the apparatus.

However, Donald discloses wherein the reorderer reorders blocks of the original content item and stores them to the storage device according to a logical addressing

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system of the apparatus (Col. 8, lines 25-67 and Col. 9, lines 1-67 and Col. 10, lines 1-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the encryption system of Etzel by including wherein the reorderer reorders blocks of the original content item and stores them to the storage device according to a logical addressing system of the apparatus as disclosed by Donald. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Donald to provide for encrypting a message by performing a bit position permutation on one or more message blocks (Donald, Col. 3, lines 20-61).

Regarding claim 28, Etzel discloses wherein the apparatus further comprises a storage device, and the reorderer reorders blocks of the original content item and stores them to the storage device (Col. 4, lines 9-20).

Etzel does not expressly disclose wherein the reorderer reorders blocks of the original content item by directly manipulating physical addresses at which the blocks are stored to the storage device.

However, Donald discloses wherein the reorderer reorders blocks of the original content item by directly manipulating physical addresses at which the blocks are stored to the storage device (Col. 8, lines 25-67 and Col. 9, lines 1-67 and Col. 10, lines 1-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the encryption system of Etzel by including

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wherein the reorderer reorders blocks of the original content item by directly manipulating physical addresses at which the blocks are stored to the storage device as disclosed by Donald. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Donald to provide for encrypting a message by performing a bit position permutation on one or more message blocks (Donald, Col. 3, lines 20-61).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Sep. 6, 2005

  
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